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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 MONTENEQUE NAKIA KNOX,

9 *Petitioner,*

10 vs.

11 RENEE BAKER,

12 *Respondent.*

3:15-cv-00316-RCJ-WGC

13 ORDER

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16 Petitioner, a Nevada prisoner, has submitted a habeas petition on the 28 U.S.C. § 2255 form,
17 though petitioner appears to challenge a state-court conviction. Petitioner has failed to submit an
18 application to proceed *in forma pauperis* or pay the filing fee. Accordingly, this matter has not been
19 properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rules LSR1-1, 1-2.

20 Thus, the present action will be dismissed without prejudice to the filing of a habeas petition
21 pursuant to 28 U.S.C. § 2254 on the form required by this court in a new action with either the \$5.00
22 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an
23 inmate account statement for the past six months and a properly executed financial certificate.

24 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice.

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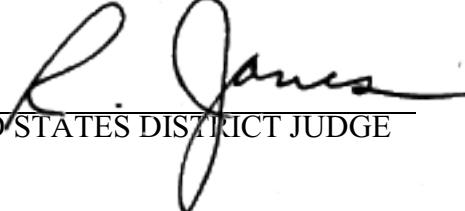
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1 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as jurists of
2 reason would not find the court's dismissal of this improperly commenced action without prejudice to
3 be debatable or incorrect.

4 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly and
5 close this case.

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7 DATED: This 9th day of November, 2015.

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9 
10 UNITED STATES DISTRICT JUDGE

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